

Date of decision: 15-3-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: S. K. KESHOTE, J
(15-3-1996)

Mr. S. K. Zaveri for the petitioners.
Ms. Sejal Mandavia for the respondents.

ORAL JUDGMENT:

Heard the learned counsel for the parties.

Learned counsel for the petitioner has produced a copy of resolution dated 5th May, 1986 of the Government of Gujarat, Education Department, under which it has been resolved that the employees of Municipality are entitled to bonus for the year 1984-85. The petitioners challenged the resolutions of the Government dated 3rd October, 1984 and 24th October, 1985 regarding payment of adhoc bonus to the State Government employees for the year 1983-84 and 1984-85 respectively on ground of discrimination. Ad hoc bonus has been resolved to be given to the Government employees as well as the panchayat employees, teaching and non-teaching staff of the various universities in Gujarat, teaching and non-teaching staff of grant-in-aid colleges affiliated to the universities in Gujarat and teaching and non-teaching staff of primary, secondary and higher secondary non-Government grant-in-aid schools. But those benefits were not given to the teachers who were employed in different primary schools run by Palanpur Municipality. So far as the resolution dated 24th October, 1985 is concerned, in view of the Government Resolution dated 5th May, 1986 referred to above, bonus has been ordered to be given to the employees of Municipalities.

2. Learned counsel for the petitioners contended that the teachers of schools run by municipalities and the teachers of the Panchayats constitute one class for payment of bonus. It has further been contended that when ad hoc bonus was ordered to be given even to the teachers who are employed by non-Government grant-in-aid institutions it is not justified to deny this benefit to the teachers working in the schools run by municipalities. The challenge is based on the ground of discrimination.

3. The respondents themselves have accepted the grievance of the petitioners for the year 1984-85 as it appears from the resolution dated 5-5-1986. But I fail to see any justification in the action of the respondents in denying the petitioners the benefit of adhoc bonus for the year 1983-84. When ad hoc bonus benefits are extended to the panchayat employees, non-teaching and teaching staff of various universities, non-teaching and teaching staff of non-Government grant-in-aid colleges and schools, and the work charged employees paid from the consolidated funds of Gujarat State, it is certainly a case of discrimination where the teachers who are working in the primary schools of municipalities have been denied the said benefit. The respondents have failed to make out any justification in the classification sought to be made. I fail to see any nexus with the objects sought to be achieved by this classification .

4. In the result the writ petition is allowed. It is hereby declared that the members of the Gujarat Rajya Nagarpalika Prathmik Shikshak Sangh who are working as primary teachers under the Palanpur Municipal School Board under the Palanpur Municipality are entitled to ad hoc bonus for the year 1983-84. Rule made absolute in the aforesaid terms. No order as to costs.